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Mr. Kashmir Thomas vs.state

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SooperKanoon Citation : sooperkanoon.com/1220872

Court : Delhi

Decided On : Jan-24-2019

Appellant : Mr. Kashmir Thomas

Respondent : State

Judgement :

* + IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Order: January 24, 2019 BAIL APPLN. 2649/2018 MR. KASHMIR THOMAS .....Petitioner Through: Mr. Maninder Singh, Mr. Dinkar Singh, Mr. Dinhar Takiar, Mr. Anuj Singh, Ms. Aekta Vats, Mr. Sankalp Kohli and Mr. Aahil Arora, Advocates versus STATE .....Respondent Through: Mr.M.P. Singh, Additional Public Prosecutor with Inspector C.L.Meena Mr. Mehmood Pracha, Mr. Sikander, Ms. Vidushi Bajpai and Mr. Yashwardhan Oza, Advocates CORAM: HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

... Petitioner
, who is driver of the husband of complainant seeks pre- arrest bail in FIR1292016 under Sections 380/403/420/120B/34/201 IPC. While entertaining this application, interim order of 2nd November, 2018 was passed. Learned counsel for petitioner submits that petitioner has joined the investigation. It is submitted that the recovery made from petitioner belongs to his wife and that the co-accused of petitioner has been already granted the concession of pre-arrest bail. BAIL APPLN. 2649/2018

 It is submitted that the dispute between the employer of petitioner and the complainant arises from a matrimonial discord and that petitioner has been falsely implicated. Learned Additional Public Prosecutor opposes this application on the ground that petitioner is named as main accused, who had stolen various articles from the house of the complainant. It is submitted that some of the stolen articles are yet to be recovered and so, custodial investigation of petitioner is required as the other helps-Amrita and Umaid Singh have been supported the prosecution case. It is pointed out that complainant in her supplementary statement has given details of the stolen articles which can be recovered, only if petitioner is subjected to interrogation. Upon hearing on perusal of the FIR of this case, status report and the material on record, I find that the case of petitioner is not at par with that of co-accused, who has been granted pre-arrest bail. If custodial interrogation is not granted, then it would stifle the prosecution case. This court finds that it is not a fit case for grant of pre-arrest bail to petitioner. Accordingly, the application is dismissed while not commenting on the merits of the case. JANUARY24 2019 v (SUNIL GAUR) JUDGE BAIL APPLN. 2649/2018

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